

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

AMANDA BRADY,

Plaintiff

v.

AMERICAN MULTI-CINEMA, INC.,  
Individually and d/b/a AMC Woodhaven 10

and

AMC ENTERTAINMENT, INC.,

Defendants

CIVIL ACTION NO.

**DEFENDANTS' NOTICE OF REMOVAL**

TO: United States District Court for the Eastern District of Pennsylvania

Defendants, American Multi-Cinema, Inc., Individually and d/b/a AMC Woodhaven 10 and AMC Entertainment, Inc., by and through their attorneys, Carroll McNulty & Kull, LLC, file this Notice of Removal pursuant to 28 U.S.C. § 1441 and 28 U.S.C. § 1446.

1. On June 16, 2015, Plaintiffs commenced in the Court of Common Pleas of Philadelphia County, a civil action entitled *Amanda Brady v. American Multi-Cinema, Inc., Individually and d/b/a AMC Woodhaven 10 and AMC Entertainment, Inc.*, by filing of a Civil Action Complaint. A copy of the Complaint is attached hereto as Exhibit "A" and is incorporated by reference, without adopting any of the allegations therein. The action was assigned the designation June Term, 2015, Docket No. 150602051.

2. On June 22, 2015, Defendants received service of the Complaint via mail.

3. Plaintiff, Amanda Brady, alleges that she is an individual residing in the Commonwealth of Pennsylvania. Exhibit "A," ¶ 1. Plaintiff further alleges that he has suffered injuries as a result of a trip and fall at the AMC Woodhaven 10 theater located at 1336 Bristol Pike, Bensalem, Pennsylvania on or about July 16, 2013. Exhibit "A, ¶¶ 5 and 7.

4. Defendant American Multi-Cinema, Inc. operates the AMC movie theater known as the AMC Woodhaven 10, and is therefore the proper defendant in this action. American Multi-Cinema, Inc. is incorporated under the laws of the State of Missouri with its principal place of business in the State of Kansas. Consequently, for purposes of this removal action, American Multi-Cinema, Inc. is a citizen of Missouri and Kansas. *See* 28 U.S.C. § 1332(c)(1).

5. The remaining listed AMC Defendants named in Plaintiff's Complaint are not proper parties to this action and, accordingly, should be dismissed from the action at the appropriate time.

6. In his *ad damnum* clause, Plaintiff seeks "in excess of \$50,000." *See* Exhibit "A."

7. Plaintiff alleges, *inter alia*, "serious and painful" injuries as a result of the July 16, 2013 incident, including but not limited to: "cuboid fracture, talus contusion and development of reflex sympathetic dystrophy (RSD) a/k/a complex regional pain disorder (CRPD) to the right foot; and damage to her bones, cells, muscles, tissues and her nervous system, some or all of which may be permanent in nature." *See* Exhibit "A," ¶ 12.

8. On or about May 12, 2015, Plaintiff's counsel sent a letter to Christopher Downard, Claims Adjuster, Constitution State Services, with a demand of \$378,000.00. *See* Exhibit "B."

9. Plaintiff has made a demand in excess of the jurisdiction threshold established by 28 U.S.C. § 1332(a).

10. If Plaintiff's claims and allegations about the nature and the extent of her injuries are true, the jurisdictional threshold established by 28 U.S.C. § 1332(a) is met.

11. This Notice of Removal is timely.

12. This Honorable Court therefore has jurisdiction over this matter by virtue of 28 U.S.C. § 1332 and 28 U.S.C. § 1441.

13. Promptly after filing this Notice of Removal, Defendants will give written notice of the removal of this case to Plaintiff and will file a copy of the Notice with the Prothonotary of the Court of Common Pleas of Philadelphia County.

14. AMC Defendants will submit a Notice to State Court of Removal.

WHEREFORE, Defendants respectfully request that the above-entitled action be removed from the Court of Common Pleas, Philadelphia County, Pennsylvania to the United States District Court for the Eastern District of Pennsylvania.

Respectfully submitted,

By



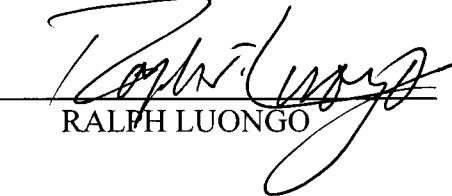
RALPH J. LUONGO, ESQUIRE  
CARROLL MCNULTY AND KULL, LLC  
Attorney I.D. No. 40336  
ANNELIESE SCOTT, ESQUIRE  
Attorney I.D. No. 93486  
Two Liberty Place, Suite 2600  
50 South 16<sup>th</sup> Street  
Philadelphia, PA 19102  
Attorney for Defendants

Dated: June 30, 2015

**CERTIFICATE OF SERVICE**

I do hereby certify that on June 30, 2015, I served a true and correct copy of the within Notice of Removal By Defendants, American Multi-Cinema, Inc., Individually and d/b/a AMC Woodhaven 10 and AMC Entertainment, Inc. upon all other parties to this action by depositing a copy, postage pre-paid in the United States mail, addressed as followed:

To: Edward J. Zanine, Esq.  
Flager & Associates, PC  
One Northbrook Corporate Center  
1210 Northbrook Drive, Suite 280  
Trevose, PA 19053

  
\_\_\_\_\_  
RALPH LUONGO

# **Exhibit A**

Court of Common Pleas of Philadelphia County

Trial Division

**Civil Cover Sheet**

		For Prothonotary Use Only (Docket Number)		
		<b>JUNE 2015</b> E-Filing Number: 1506031876 <b>002051</b>		
PLAINTIFF'S NAME AMANDA L. BRADY		DEFENDANT'S NAME AMERICAN MULTI-CINEMA, INC., ALIAS: D/B/A AMC WOODHAVEN 10		
PLAINTIFF'S ADDRESS 3648 DELANCEY DRIVE BENSALEM PA 19020		DEFENDANT'S ADDRESS 1336 BRISTOL PIKE BENSALEM PA 19020		
PLAINTIFF'S NAME		DEFENDANT'S NAME AMC ENTERTAINMENT, INC.		
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS C/O THE CORPORATION COMPANY 112 SW 7TH STREET, SUITE 3C TOPEKA KS 66603		
PLAINTIFF'S NAME		DEFENDANT'S NAME		
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS		
TOTAL NUMBER OF PLAINTIFFS  1	TOTAL NUMBER OF DEFENDANTS  2	COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions		
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input checked="" type="checkbox"/> Jury <input type="checkbox"/> Non-Jury <input type="checkbox"/> Other:	<input type="checkbox"/> Mass Tort <input type="checkbox"/> Savings Action <input type="checkbox"/> Petition	<input type="checkbox"/> Commerce <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Statutory Appeals	<input type="checkbox"/> Settlement <input type="checkbox"/> Minors <input type="checkbox"/> W/D/Survival
CASE TYPE AND CODE 2S - PREMISES LIABILITY, SLIP/FALL				
STATUTORY BASIS FOR CAUSE OF ACTION				
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER) <b>FILED PRO PROTHY</b> <b>JUN 16 2015</b> <b>D. SAVAGE</b>			IS CASE SUBJECT TO COORDINATION ORDER? YES      NO	
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: <u>AMANDA L. BRADY</u> Papers may be served at the address set forth below.				
NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY EDWARD J. ZANINE		ADDRESS 1210 NORTHBROOK DRIVE SUITE 280 TREVOSSE PA 19053		
PHONE NUMBER (215) 953-5200	FAX NUMBER (215) 953-5214			
SUPREME COURT IDENTIFICATION NO. 83873		E-MAIL ADDRESS edward@flagerlaw.com		
SIGNATURE OF FILING ATTORNEY OR PARTY EDWARD ZANINE		DATE SUBMITTED Tuesday, June 16, 2015, 10:26 am		

FLAGER & ASSOCIATES, PC  
BY: Edward J. Zanine  
I.D. NO. 83873  
One Northbrook Corporate Center  
1210 Northbrook Drive, Suite 280  
Trevose, PA 19053



Attorney for Plaintiff

IN THE FIRST JUDICIAL DISTRICT OF PENNSYLVANIA

AMANDA L. BRADY  
3648 Delancy Drive  
Bensalem, PA 19020

Plaintiff

v.

AMERICAN MULTI-CINEMA, INC.,  
Individually and d/b/a AMC WOODHAVEN 10  
1336 Bristol Pike  
Bensalem, PA 19020

COURT OF COMMON PLEAS  
PHILADELPHIA COUNTY  
CIVIL DIVISION

TERM, 2015

NO.

and

AMC ENTERTAINMENT, INC.  
c/o The Corporation Company, Inc.  
112 SW 7<sup>th</sup> Street, Suite 3C  
Topeka, KS 66603

Defendants

NOTICE

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that, if you fail to do so, the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.**

PHILADELPHIA BAR ASSOCIATION  
Lawyer Referral and Information Service  
One Reading Center  
Philadelphia, PA 19107  
(215) 238-6300

**AVISO**

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra desu persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO IMMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFFICIENTE DE PAGAR TAL SERVICIO VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

ASOCIACION DE LICENCIADOS DE FILADELFIA  
Servicio De Referencia E Informacion Legal  
One Reading Center  
Filadelfia, Pennsylvania 19107  
(215) 238-6300

**COMPLAINT - CIVIL ACTION**

1. Plaintiff, Amanda L. Brady, is an adult individual residing at 3648 Delancy Drive, Bensalem, Pennsylvania.
2. Defendant, American Multi-Cinema, Inc. is a foreign corporation organized and existing under the laws of the State of Missouri and authorized to conduct business in the Commonwealth of Pennsylvania with a principal place of business at 1336 Bristol Pike, Bensalem, Pennsylvania 19020.
3. Defendant, AMC Entertainment, Inc. is a foreign corporation organized and existing under the laws of the State of Delaware and authorized to conduct business in the Commonwealth of Pennsylvania with a principal place of business at 1336 Bristol Pike, Bensalem, Pennsylvania 19020.
4. At all times relevant, Defendants regularly conduct business in Philadelphia, including but not limited to the operation of movie theaters in and around the City of Philadelphia and the solicitation of customers through advertisements, and the promotion of their business affairs in the City and County of Philadelphia, Commonwealth of Pennsylvania.
5. On or about July 16, 2013, Plaintiff, Amanda L. Brady, was a business invitee of the Defendants at its theater, known as AMC Woodhaven 10, located at 1336 Bristol Pike, Bensalem, Pennsylvania. (hereinafter referred to as the "premises").
6. On said date, it was the duty of the Defendants to keep and properly maintain its premises in a reasonably safe condition for its business invitees.

7. On said date, Plaintiff, Amanda L. Brady, while attempting to exit her row of seats in a theater on the premises was caused to trip, fall and injure herself due to a dangerous and/or defective change in floor elevation and/or improper, dangerous or defective step and/or inadequate lighting maintained and permitted to exist by the Defendants by and through their agents, servants, workmen and employees. As a result thereof, Plaintiff sustained severe and serious injuries which are hereinafter more fully described.

COUNT I

**PLAINTIFF V. DEFENDANTS**

8. Plaintiff hereby incorporates by reference the averments set forth in the foregoing paragraphs as though the same were fully set forth at length herein.
9. The negligence and carelessness of Defendants and their agents, servants, workmen and employees, consisted of, but is not limited to, the following:
  - (a) designing, creating and/or installing elevated aisles in the theater which lacked visual cues sufficient to allow business invitees to safely negotiate the same, particularly during movie showings, thereby creating an unreasonably dangerous tripping hazard;
  - (b) creating stair risers and treads of unequal dimensions and/or irregular size, thereby creating an unreasonably dangerous tripping hazard;
  - (c) utilizing materials which obscured the leading edges of the elevated aisles in the theater, thereby creating an unreasonably dangerous tripping hazard;

- (d) failing to utilize rounded leading edges in the design and/or construction of the steps and/or elevated aisles, which would have allowed for improved light modeling for better visibility, and which would have reduced the potential for serious injury in the event a business invitee should fall;
- (e) failing to maintain uniform light levels over the whole steps and/or elevated aisles and/or low glare light sources to improve visibility and reduce the likelihood of missteps;
- (f) deviating from building code requirements and/or proscriptions relating to and/or defining acceptable pitch of the steps and/or elevated aisles, the width of the surface on which to step and the height one is required to raise or lower the foot to ascend or descend from the elevated seating aisles;
- (g) creating reduced visibility of the leading edges of the steps and/or elevated aisles by utilizing risers less than approximately 125 mm (5 in) in height, and thereby creating an unreasonably dangerous tripping hazard;
- (h) permitting, allowing or creating a dangerous condition to exist in and upon the premises which was supervised, maintained, controlled and/or owned by the Defendants, after they knew or should have known of said condition;
- (i) failing to give Plaintiff proper and due notice of the dangerous condition existing on the steps and/or elevated aisles of the premises

under their care, supervision and maintenance;

- (i) negligently inspecting the steps of its premises for conditions which posed a danger to its business patrons;
- (k) failing to give Plaintiff proper and adequate protection to which she was entitled as a business invitee of the Defendants;
- (l) failing to place warnings or proper barricades at the point of the accident to prevent the occurrence heretofore recited;
- (m) failing to provide adequate lighting;
- (n) failure to provide sufficiently wide aisles between the rows of seats;
- (o) failing to provide reasonably safe ingress and egress from the seating aisles for its customers such as Plaintiff.

10. Defendants had actual and/or constructive notice of the dangerous condition on the premises prior to the aforesaid accident, when Plaintiff was seriously injured.

11. Plaintiff, Amanda L. Brady, in no manner contributed to her injuries which resulted from the direct negligence of the Defendants and not from any act or failure to act on the part of Plaintiff.

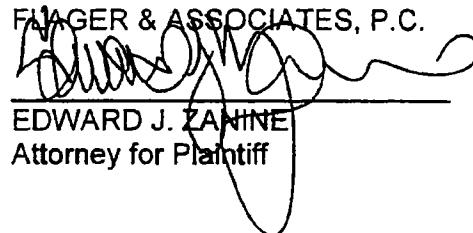
12. As a direct result of the aforesaid negligence and carelessness of the Defendants, Plaintiff, Amanda L. Brady, sustained serious and painful injuries, including but not limited to: cuboid fracture, talus contusion and development of reflex sympathetic dystrophy (RSD) a/k/a complex regional pain disorder (CRPD) to the right foot; and damage to her bones, cells, muscles, tissues and her nervous system, some or all of which may be permanent in nature.

13. As a further result, Plaintiff has suffered such other injuries as might be discovered during the pendency of this case.
14. As a further result, Plaintiff has been forced to expend various and diverse sums of money in an effort to treat and cure her injuries and ills and may be required to do so for an indefinite period of time into the future, all to her great financial detriment and loss.
15. As a direct result of the aforesaid accident, Plaintiff has suffered and may in the future suffer great physical pain, mental anguish, emotional suffering, and other economic and non-economic losses.
16. Further, as a result of this accident, Plaintiff has suffered an interference with her usual duties, chores, life's pleasures and activities and may continue to suffer such interference in the future.

WHEREFORE, Plaintiff, AMANDA L. BRADY, demands judgment against the Defendants, AMC ENTERTAINMENT, INC. AND AMERICAN MULTI-CINEMA, INC, jointly and severally, in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus interest, costs of suit and delay damages.

FLAAGER & ASSOCIATES, P.C.

BY:

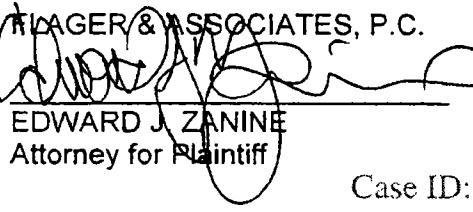
  
EDWARD J. ZANINE  
Attorney for Plaintiff

JURY DEMAND

Plaintiff hereby demands a jury trial of twelve jurors.

FLAAGER & ASSOCIATES, P.C.

BY:

  
EDWARD J. ZANINE  
Attorney for Plaintiff

Case ID: 150602051

VERIFICATION BASED UPON PERSONAL KNOWLEDGE  
AND INFORMATION SUPPLIED BY COUNSEL

I, Amanda Brady, verify that I am the Plaintiff in the foregoing action and that the attached Complaint is based upon the information which has been gathered by my counsel in preparation of this lawsuit. The language of the Complaint is that of counsel. I have read the Complaint, and to the extent that it is based upon information which I have given to my counsel, it is true and correct to the best of my knowledge, information and belief. To the extent that the contents of the Complaint are that of counsel, I have relied upon counsel in making this Verification.

I understand that intentional false statements herein are made subject to the penalties of 18 Pa. C.S. A. §4904 relating to unsworn falsifications made to authorities.

x A. Brady

6-16-15  
DATED

# **Exhibit B**

**F&A**  
**Flager & Associates, PC**

A Professional Corporation  
ATTORNEYS AT LAW

RANDALL C. FLAGER\*  
EDWARD J. ZANINE\*

COUNSEL TO THE FIRM  
HARVEY A. SERNOVITZ

LEGAL ASSISTANTS

SHERRY D. BROOKS  
DONNA PECILO  
KIM DWYER, RN  
TERRI SNEAD

\* Member of NJ & PA Bars

One Northbrook Corporate Center  
1210 Northbrook Drive, Suite 280  
Trevose, PA 19053  
(215) 953-5200 • FAX: (215) 953-5214  
  
1-888-470-1099  
mail@FlagerLaw.com  
www.FlagerLaw.com

UMCC

May 12, 2015

**MAY 18 2015**

Overland Park

Christopher J. Downard,  
Claims Adjuster  
Constitution State Services  
7465 W 132nd Street  
Overland Park, KS 66213

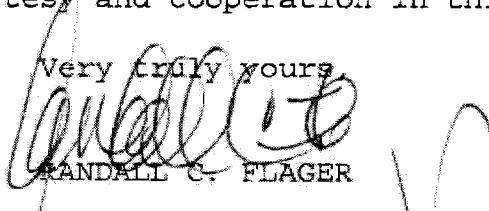
RE: Your Insured:	AMC, Inc.
Our Client:	Amanda L. Brady
Our File Number:	217174
Your Claim Number:	EXF6641
Date of Accident:	7/16/2013

Dear Mr. Downard:

Enclosed herewith are copies of all bills and reports in our possession at this time on the above claim.

In light of this, it seems appropriate to inquire whether your company desires to resolve this matter amicably short of the institution of litigation. We are more than willing to begin negotiations towards settlement by stating a demand figure of \$378,000.00. We would appreciate your written response in the near future.

Thank you for your courtesy and cooperation in this matter.

Very truly yours  
  
RANDALL C. FLAGER

RCF/KD/amm  
Enclosures